

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FAY S. GUNDLACH

Plaintiffs

vs.

FOOD LION, L.L.C., a subsidiary of
of DELHAIZE AMERICA,

Defendants.

Civil Action No: 05-491 (KAJ)

SUGGESTION OF DEATH ON THE RECORD

PLEASE TAKE NOTICE the Plaintiff, Fay S. Gundlach, died on February 19, 2006. A true and correct copy of Petitioner's Certificate of Death is attached hereto as Exhibit A.

Plaintiff executed a Last Will and Testament on February 20, 1997. A true and correct copy of the same is attached hereto as Exhibit B.

Charles W. Gundlach and Kathy Gundlach, residents of the Commonwealth of Pennsylvania, have been appointed as Co-Executors of the Estate pursuant to an Important Notice issued by the Register of Wills of Clinton County, dated February 28, 2006. A true and correct copy of said Important Notice is attached as Exhibit C.

Connolly Bove Lodge & Hutz LLP and Pribanic & Pribanic, L.L.C. have been retained to continue representation in the pending litigation.

CONNOLLY BOVE LODGE &
HUTZ LLP

PRIBANIC & PRIBANIC, L.L.C.

By: 

Patricia S. Rogowski
(Del. ID 2632)
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Wilmington, DE 19899
(302) 658-9141

By: 

Mark A. Smith

1735 Lincoln Way
White Oak, PA 15131
(412) 672-5444
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Dated: April 4, 2006

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2006, I electronically filed SUGGESTION OF DEATH ON THE RECORD with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

James F. Bailey, Jr.
Bailey & Associates P.A.
Three Mill Road, Suite 306A
Wilmington, DE 19806

I hereby certify that on April 4, 2006, I have mailed by United States Postal Service, the document(s) to the following non-registered participants:

Victor H. Pribanic
Mark Smith
Pribanic & Pribanic LLC
1735 Lincoln Way
White Oak, PA 15131

By: 
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